

IN THE UNITED STATES DISTRICT COURT
FOR THE DIVISION OF SOUTH CAROLINA
ANDERSON DIVISION
C.A. No.: 8:12cv2365-TMC

Starr-Iva Water and Sewer District,

Plaintiff,

v.

City of Anderson, a Municipality,

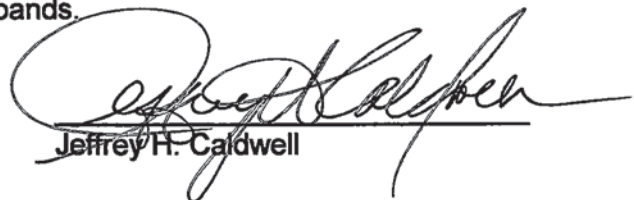
Defendant,

SECOND AFFIDAVIT OF
JEFFREY H. CALDWELL

PERSONALLY APPEARED BEFORE ME, Jeffrey H. Caldwell, who, having been duly sworn, deposes and says:

1. I am Jeffrey H. Caldwell of Belton, S.C. I am a Professional Engineer licensed in the State of South Carolina. I have been employed by the City of Anderson, S.C. (the "City") since August 2002. I am currently the City's Utilities Director.
2. I have reviewed Starr-Iva Water and Sewer District's Response in Opposition to Defendant's Motion for Summary Judgment Based on Collateral Estoppel and Response in Opposition to Defendant's Motion for Continuance or Stay.
3. Contrary to Starr-Iva's statements, to my knowledge First Quality has not built a bottled water plant at the former BASF property to date.
4. The industrial (raw) water needs of First Quality, located on the former BASF site, are currently supplied by the Anderson Regional Joint Water System (the "ARJWS") of which both Starr-Iva and the City are members.
5. The City currently provides only potable water service to Owens-Corning and to First Quality. However, the cost to provide such service is greater than the revenue generated therefrom.
6. The City's current water service agreement with First Quality includes and anticipates First Quality's future potable water needs. Therefore, the City's income from First Quality is not expected to increase as First Quality expands.

SWORN to before me this
day of 1-14, 2015.


Jeffrey H. Caldwell

 (L.S.)
Notary Public for South Carolina
My Commission Expires:

MY COMMISSION EXPIRES
FEBRUARY 12, 2023